

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARRY C. HONIG, and
GRQ CONSULTANTS, INC.,

Plaintiffs,

MEMORANDUM AND ORDER

- against -

20 Civ. 2808 (NRB)

RIOT BLOCKCHAIN, INC.,

Defendant.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Plaintiffs filed a complaint on April 3, 2020. Four days later they sought the issuance of an Order to Show Cause that would expedite the parties' briefing on plaintiffs' request for a preliminary injunction requiring defendant to immediately indemnify and advance the litigation expenses incurred by plaintiffs in connection with certain legal proceedings pursuant to the agreement between the parties.

The Court declines to sign the Order to Show Cause for at least several reasons. First, monetary claims are rarely the predicate for a viable claim of irreparable harm. Second, there is no apparent emergency since the dispute dates back to March 2018. Third, the preliminary relief sought closely parallels the ultimate relief sought. Fourth, to the extent that the issue is generated by the counsel's need for payment, plaintiffs have not attested to their inability to pay their lawyer and

await the outcome of the litigation to ascertain whether they may recover any advanced funds from defendant. Thus, plaintiffs have not demonstrated a basis to depart from the normal course of a litigation in federal court.

While the Court declines to sign the proposed Order to Show Cause, it will consider a motion for judgment on the pleadings following defendant's answer. In that regard, the parties should comply with the Court's Individual Rule of Practice 2B.

Finally, plaintiffs' counsel is directed to forward a copy of this Memorandum and Order to defendant and defendant's counsel.

SO ORDERED.

Dated: New York, New York
April 10, 2020



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE